

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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RICARDO T.,	:	
	:	
Petitioner,	:	Civ. No. 19-11148 (KM)
	:	
v.	:	
	:	
WARDEN, ESSEX COUNTY JAIL,	:	MEMORANDUM AND ORDER
	:	
Respondent.	:	
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Petitioner, Ricardo T.,¹ is an immigration detainee currently held at the Essex County Correctional Facility, in Newark, New Jersey. On April 25, 2019, acting pro se, he filed in this Court a petition for writ of habeas corpus under 28 U.S.C. § 2241. The petition was initially administratively terminated as Petitioner had failed to include either the required five-dollar filing fee or an application to proceed *in forma pauperis*. Petitioner has now paid the filing fee.

Petitioner challenges the duration of his present immigration detention. Under Rule 4 of the Rules Governing § 2254 Cases (applied in this proceeding under Rule 1(b) of the Rules Governing § 2254 Cases), this Court has examined the petition and determined that dismissal without receiving an answer and the underlying record is not warranted.

Accordingly, IT IS this 17th day of May 2019

ORDERED that the Clerk shall reopen this proceeding; and it is further

¹ Consistent with guidance regarding privacy concerns in social security and immigration cases by the Committee on Court Administration and Case Management of the Judicial Conference of the United States, Petitioner is identified herein only by his given name and family-name initial.

ORDERED that the Clerk shall serve copies of the petition (DE 1) and this memorandum and order upon respondent by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (DE 1) and this memorandum and order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that, within forty-five (45) days of the entry of this memorandum and order, respondent shall file and serve an answer that (1) responds to the allegations and grounds in the petition and (2) includes all affirmative defenses respondent seeks to invoke; and it is further

ORDERED that respondent shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, by parole or otherwise, as well as any change in the basis for petitioner's immigration detention, respondent shall electronically file a written notice of the same with the Clerk.


KEVIN MCNULTY
United States District Judge